



ORDINANCE NO. 3500-16

An Ordinance authorizing “Supportive Housing” in various residential and commercial zones, amending Ordinance Nos. 1671-89 (EMC Title 19, Zoning) and 2530-01(EMC Title 15, Local Project Review Procedures), as amended.

WHEREAS, the City Council finds the following:

1. The Everett Zoning Code contains regulations for certain types of residential uses.
2. It is necessary from time to time to update zoning regulations to provide clarification or create additional standards related to specific uses or add new uses as the need arises.
3. The proposed amendments to the Zoning Code will provide for supportive housing as a new use with a definition and appropriate development standards and guidelines.

WHEREAS, the City Council concludes the following:

1. The proposed amendment is consistent with the applicable provisions of the Everett Growth Management Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to the public health, safety and welfare; and
3. The proposed amendment promotes the best long term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Section 4 of Ordinance No. 1671-89, as amended (EMC 19.4.020), is hereby amended by the addition of the following:

“Supportive Housing” means a combination of housing, including low barrier housing, and services intended as a cost-effective way to help people live more stable and productive lives. The housing type is a multiple-family dwelling owned or sponsored by a qualified nonprofit provider or government entity, designed for occupancy by persons that are either (A) experiencing or at risk of experiencing homelessness ; (B) are experiencing a disability that presents barriers to employment and housing stability; or (C) generally require structured supportive services such as case management and 24-hour on-site facility management to be successful living in the community and is intended to provide long-term, rather than transitional, housing.

Section 2. Section 5 through of Ordinance No. 1671-89, as amended (EMC 19.5, Table 5.1), which reads as follows:

Table 5.1 Residential uses.

ZONE USE	A-1	R-S	R-1	R-2	R-1(A) R-2(A)	R-3(L)	R-3	R-4 R-5	B-1	B-2 B-2(B)	B-3	BMU	E-1	MUO	C-1 C-1R	C-2	C-2ES	W-C	M- S	M-M	M-1	M-2
Accessory dwelling unit (21)	I(1)	I(1)	I(1)	I(1)	I(1)																	
Adult family home	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I		I					
Assisted living facility						I	I	I		I	I	I	I	I	I							
Boarding or rooming	I(2)	I(2)	I(2)	I(2)	I(2)	I(2)	I(2)	I(2)	I(2)	I(2)		I(2)	I(2)	I(2)	I(2)							
Boardinghouse or roominghouse						I(3)	I(3)	I(3)		I(3)		I(3)	I(3)	I(3)	I(3)							
Caretaker, watchman's quarters (4)																I	I	I	I	I	I	I
Congregate care facility							I	I		I	I	I	I	I	I							
Convalescent or nursing home							I	I		I	I		I	I	I							
Dwelling, single-family detached	I	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)					I(5)			I(5) (24)				
Dwelling, single-family attached		III(6)	III(6)	III(6)	I(7)	I(7)	I(7)	I(7)		I(7)			I	I	I(7)			I(7) (24)				
Dwelling, two-family (duplex) (21)			I(8)	I(9)	I(9)	I(9)	I(9)	I(9)	I(9)	I(9)					I(9)			I(9) (24)				
Dwelling, rear yard infill				I(25)			I(25)	I(25)	I(25)	I(25)					I(25)							
Dwelling, cottage housing							I(26)	I(26)														
Dwelling, multiple-family						I(7)	I(7)	I(7)(20)	I(10)	I(7)	I(7)	I(7)	I	I	I(7)		I(22)	I(7) (24)				
Dwelling, live/work									I(23)	I(23)	I(23)	I	I(23)	I(23)	I(23)		I(22)	I(23) (24)				
Group home, Class I.A	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I							
Group home, Class I.B	I					I	I	I	I	I	I	I	I	I	I							
Group home, Class I.C						I	I	I		I	I	I	I	I	I							
Group home, Class II.A, II.B, II.C											III (13)	III (13)	III (13)		III(13)							
Home occupation	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)					

ZONE USE	A-1	R-S	R-1	R-2	R-1(A) R-2(A)	R-3(L)	R-3	R-4 R-5	B-1	B-2 B-2(B)	B-3	BMU	E-1	MUO	C-1 C-1R	C-2	C-2ES	W-C	M-S	M-M	M-1	M-2
Senior citizen housing						I(7)	I(7)	I(7)	I(7)	I(7)	I(7)	I(7)	I	I	I(7)	I		I(7) (24)				
Manufactured home (15)	I	I	I	I	I	I	I	I	I	I					I							
Mobilehome park (16)		III	III	III	III	II	II															
Secure community transition facility (19)																				III(19)	III (19)	III (19)
Temporary shelter home		III(17)	III(17)	III(17)	III(17)	III(17)	III(18)	III(18)		III(18)		III(18)	III(18)	III(18)	III(18)							

Is hereby amended to read as follows:

Table 5.1 Residential uses.

ZONE USE	A-1	R-S	R-1	R-2	R-1(A) R-2(A)	R-3(L)	R-3	R-4 R-5	B-1	B-2 B-2(B)	B-3	BMU	E-1	MUO	C-1 C-1R	C-2	C-2ES	W-C	M-S	M-M	M-1	M-2
Accessory dwelling unit (21)	I(1)	I(1)	I(1)	I(1)	I(1)																	
Adult family home	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I		I					
Assisted living facility						I	I	I		I	I	I	I	I	I							
Boarding or rooming	I(2)	I(2)	I(2)	I(2)	I(2)	I(2)	I(2)	I(2)	I(2)	I(2)		I(2)	I(2)	I(2)	I(2)							
Boardinghouse or roominghouse						I(3)	I(3)	I(3)		I(3)		I(3)	I(3)	I(3)	I(3)							
Caretaker, watchman's quarters (4)																I	I	I	I	I	I	I
Congregate care facility							I	I		I	I	I	I	I	I							
Convalescent or nursing home							I	I		I	I		I	I	I							
Dwelling, single-family detached	I	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)					I(5)			I(5) (24)				
Dwelling, single-family attached		III(6)	III(6)	III(6)	I(7)	I(7)	I(7)	I(7)		I(7)			I	I	I(7)			I(7) (24)				
Dwelling, two-family (duplex) (21)			I(8)	I(9)	I(9)	I(9)	I(9)	I(9)	I(9)	I(9)					I(9)			I(9) (24)				
Dwelling, rear yard infill				I(25)			I(25)	I(25)	I(25)	I(25)					I(25)							
Dwelling, cottage housing							I(26)	I(26)														

ZONE USE	A-1	R-S	R-1	R-2	R-1(A) R-2(A)	R-3(L)	R-3	R-4 R-5	B-1	B-2 B-2(B)	B-3	BMU	E-1	MUO	C-1 C-1R	C-2	C-2ES	W-C	M-S	M-M	M-1	M-2
Dwelling, multiple-family						I(7)	I(7)	I(7)(20)	I(10)	I(7)	I(7)	I(7)	I	I	I(7)		I(22)	I(7) (24)				
Dwelling, live/work									I(23)	I(23)	I(23)	I	I(23)	I(23)	I(23)		I(22)	I(23) (24)				
Group home, Class I.A	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I							
Group home, Class I.B	I					I	I	I	I	I	I	I	I	I	I							
Group home, Class I.C						I	I	I		I	I	I	I	I	I							
Group home, Class II.A, II.B, II.C											III (13)	III (13)	III (13)		III(13)							
Home occupation	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)					
Senior citizen housing						I(7)	I(7)	I(7)	I(7)	I(7)	I(7)	I(7)	I	I	I(7)	I		I(7) (24)				
Manufactured home (15)	I	I	I	I	I	I	I	I	I	I					I							
Mobilehome park (16)		III	III	III	III	II	II															
Secure community transition facility (19)																				III(19)	III (19)	III (19)
Supportive Housing		III(18) (27)	III(18) (27)	III(18) (27)	III(18) (27)	II(7)	II(7)	II(7) (20)	II(10)	II(7)	II(7)	II(7)	II (7)	II (7)	II(7)		II(22)	II(7) (24)				
Temporary shelter home		III(17)	III(17)	III(17)	III(17)	III(17)	III(18)	III(18)		III(18)		III(18)	III(18)	III(18)	III(18)							

Section 3. Section 5 through 14 of Ordinance No. 1671-89, as amended (EMC 19.5, Table 5.1), which reads as follows:

SPECIAL REGULATIONS FOR ZONING CODE TABLE NO. 5.1

(7) All residential development must comply with the applicable development standards and guidelines, which may include standards in the B-3 zone (Chapter 22), core residential area (Chapter 33G), multiple-family development standards (Chapter 15), BMU zone (Chapter 31A), Everett Station Area (Chapter 25), E-1 and MUO, and/or any applicable overlay design standards and guidelines. Multiple-family development standards of Chapter 15 and multiple-family design guidelines established by city council Resolution No. 4618 shall apply to single-family attached dwelling developments and multiple-family dwelling developments containing three or more dwelling units where standards and guidelines are not otherwise specified.

Is hereby amended to read as follows:

(7) All residential development must comply with the applicable development standards and guidelines except as otherwise provided by Section 39.155 for Supportive Housing, which may include standards in the B-3 zone (Chapter 22), core residential area (Chapter 33G), multiple-family development standards (Chapter 15), BMU zone (Chapter 31A), Everett Station Area (Chapter 25), E-1 and MUO, and/or any applicable overlay design standards and guidelines. Multiple-family development standards of Chapter 15 and multiple-family design guidelines established by city council Resolution No. 4618 shall apply to single-family attached dwelling developments and multiple-family dwelling developments containing three or more dwelling units where standards and guidelines are not otherwise specified.

Section 4. Section 5 through 14 of Ordinance No. 1671-89, as amended (EMC 19.5, Table 5.1), is amended by the addition of the following special regulations:

(27) Permitted only on land owned by a public agency or that the public agency has transferred to another entity for the purpose of developing supportive housing.

Section 5. Section 34 of Ordinance No. 1671-89, as amended (EMC 19.5, Table 34-1 RESIDENTIAL USES), which reads in part:

TABLE No. 34-1	
Off-Street Parking for All Zones Except the B-3 Zone	
Use	Parking Requirement
RESIDENTIAL USES	
Accessory dwelling units	1 additional space for accessory dwelling
Adult family home	3 per home
Assisted living facilities	1 per each 4 residents

Boarding or rooming	no additional parking required
Boardinghouse, roominghouse	1 per room
Caretaker's quarters	2 per dwelling
Congregate care facilities	0.8 per dwelling
Convalescent or nursing home	1 per each 4 residents
Dwelling, single-family attached	2 per dwelling in R-1(A) and R-2(A) zones; see Section 15.060 for other zones
Dwelling, single-family detached	2 per dwelling
Dwelling, two-family (duplex)	2 per dwelling
Dwelling, rear yard infill	See subsection B of this section
Dwelling, cottage	1.5 spaces per dwelling
Dwelling, multiple-family	See subsection B of this section
Group homes, Class I.A	3 per dwelling
Group homes, Class I.B	3 per dwelling
Group homes, Class I.C	2 plus 1 per each staff person
Group homes, Class II.A	2 plus 1 per each staff person
Group homes, Class II.B	2 plus 1 per each staff person
Group homes, Class II.C	2 plus 1 per each staff person
Live/work unit	2 per unit
Mobilehome park	See Title 17 of the Everett Municipal Code
Senior citizen housing	See Section 34.020.B.1.e
Temporary shelter homes	See Section 34.030

Is hereby amended to read as follows:

**TABLE No. 34-1
Off-Street Parking for All Zones Except the B-3 Zone**

Use	Parking Requirement
RESIDENTIAL USES	
Accessory dwelling units	1 additional space for accessory dwelling
Adult family home	3 per home

Assisted living facilities	1 per each 4 residents
Boarding or rooming	no additional parking required
Boardinghouse, roominghouse	1 per room
Caretaker's quarters	2 per dwelling
Congregate care facilities	0.8 per dwelling
Convalescent or nursing home	1 per each 4 residents
Dwelling, single-family attached	2 per dwelling in R-1(A) and R-2(A) zones; see Section 15.060 for other zones
Dwelling, single-family detached	2 per dwelling
Dwelling, two-family (duplex)	2 per dwelling
Dwelling, rear yard infill	See subsection B of this section
Dwelling, cottage	1.5 spaces per dwelling
Dwelling, multiple-family	See subsection B of this section
Group homes, Class I.A	3 per dwelling
Group homes, Class I.B	3 per dwelling
Group homes, Class I.C	2 plus 1 per each staff person
Group homes, Class II.A	2 plus 1 per each staff person
Group homes, Class II.B	2 plus 1 per each staff person
Group homes, Class II.C	2 plus 1 per each staff person
Live/work unit	2 per unit
Mobilehome park	See Title 17 of the Everett Municipal Code
Senior citizen housing	See Section 34.020.B.1.e
Supportive Housing	See Section 34.020.B.1.f
Temporary shelter homes	See Section 34.030

Section 7. Section 34 of Ordinance No. 1671-89, as amended (EMC 19.34.020), which reads in part:

B. Off-Street Parking Requirements for Multiple-Family Dwellings and Rear Yard Infill Dwellings. The intent of this section is to require off-street parking for the residents of multiple-family developments to be provided on the development site, and to recognize differences between areas which should have a lesser need for automobile use due to availability of transit service, adequate pedestrian facilities, and the proximity of services within walking distance. The intent is also to provide incentive to retain existing historic structures or other residential dwellings.

1. Parking for multiple-family dwellings shall be provided according to the location of the property, as provided herein. For purposes of this section, any room other than a kitchen, bathroom, living room or dining room, such as a den, study, office or other similar room, shall be considered a bedroom.
 - a. Lots located within area A on Map Number 34-1 shall provide a minimum of one parking space per dwelling unit.
 - b. Lots located within area B on Map Number 34-1 and rear yard infill dwellings in the R-2H zones shall provide a minimum of:
 - (1) One infill unit only: one parking space per dwelling unit;
 - (2) More than one infill unit and multiple-family units: one parking space per dwelling unit for units with one or fewer bedrooms and one and one-half parking spaces per dwelling unit for units with two or more bedrooms.
 - c. Lots in areas outside of the areas designated on Map Number 34-1 shall provide a minimum of two parking spaces per dwelling unit, except:
 - (1) In mixed-use developments in which at least twenty-five percent of the gross floor area of the development is provided in a permitted nonresidential use, a minimum of one and one-half spaces per dwelling unit with two or fewer bedrooms shall be provided. Parking for nonresidential uses shall be provided as otherwise required by this title.
 - (2) In multiple-family developments with more than one hundred dwelling units, a minimum of two parking spaces shall be provided for the first one hundred dwellings with two or fewer bedrooms, and a minimum of one and one-half parking spaces shall be provided for each dwelling with two or fewer bedrooms in excess of the first one hundred dwellings. A minimum of two spaces shall be provided for each dwelling with three or more bedrooms.
 - d. Developments in the R-1(A) and R-2(A) zones shall provide a minimum of two parking spaces per dwelling unit.
 - e. Senior citizen housing developments shall provide a minimum of one parking space per dwelling unit, except in the C-2 ES zone and E-1 MUO zone, the minimum requirement shall be 0.75 off-street parking space per dwelling unit. The applicant shall provide a covenant in a form acceptable to the city which runs with the land stating that the housing units shall be limited to occupancy by senior citizens. Conversion to nonsenior citizen housing shall not be permitted unless meeting the parking standards of this section.

Is hereby amended to read:

B. Off-Street Parking Requirements for Multiple-Family Dwellings and Rear Yard Infill Dwellings. The intent of this section is to require off-street parking for the residents of multiple-family developments to be provided on the development site, and to recognize differences between areas which should have a lesser need for automobile use due to availability of transit service, adequate pedestrian facilities, and the proximity of services within walking distance. The intent is also to provide incentive to retain existing historic structures or other residential dwellings.

1. Parking for multiple-family dwellings shall be provided according to the location of the property, as provided herein. For purposes of this section, any room other than a

kitchen, bathroom, living room or dining room, such as a den, study, office or other similar room, shall be considered a bedroom.

a. Lots located within area A on Map Number 34-1 shall provide a minimum of one parking space per dwelling unit.

b. Lots located within area B on Map Number 34-1 and rear yard infill dwellings in the R-2H zones shall provide a minimum of:

(1) One infill unit only: one parking space per dwelling unit;

(2) More than one infill unit and multiple-family units: one parking space per dwelling unit for units with one or fewer bedrooms and one and one-half parking spaces per dwelling unit for units with two or more bedrooms.

c. Lots in areas outside of the areas designated on Map Number 34-1 shall provide a minimum of two parking spaces per dwelling unit, except:

(1) In mixed-use developments in which at least twenty-five percent of the gross floor area of the development is provided in a permitted nonresidential use, a minimum of one and one-half spaces per dwelling unit with two or fewer bedrooms shall be provided. Parking for nonresidential uses shall be provided as otherwise required by this title.

(2) In multiple-family developments with more than one hundred dwelling units, a minimum of two parking spaces shall be provided for the first one hundred dwellings with two or fewer bedrooms, and a minimum of one and one-half parking spaces shall be provided for each dwelling with two or fewer bedrooms in excess of the first one hundred dwellings. A minimum of two spaces shall be provided for each dwelling with three or more bedrooms.

d. Developments in the R-1(A) and R-2(A) zones shall provide a minimum of two parking spaces per dwelling unit.

e. Senior citizen housing developments shall provide a minimum of one parking space per dwelling unit, except in the C-2 ES zone and E-1 MUO zone, the minimum requirement shall be 0.75 off-street parking space per dwelling unit. The applicant shall provide a covenant in a form acceptable to the city which runs with the land stating that the housing units shall be limited to occupancy by senior citizens. Conversion to nonsenior citizen housing shall not be permitted unless meeting the parking standards of this section.

f. Supportive Housing Developments shall provide a minimum of one parking space per 4 dwelling units. The Planning Director may approve a modification to this standard if a parking study for the use of the lot is prepared by a professional with expertise in preparing traffic and parking analysis demonstrates to the satisfaction of the Director that a lesser standard is adequate. The applicant shall provide a covenant in a form acceptable to the City which runs with the land stating that the supportive housing units shall be limited to occupancy by low income households. Conversion to non-supportive housing shall not be permitted unless meeting the parking standards of this section.

Section 8. Section 39 of Ordinance No. 1671-89, as amended (EMC 19.39), is amended by the addition of the following, which shall be codified as EMC 19.39.155:

39.155 Supportive Housing

A. Permanent Supportive Housing shall comply with the development standards and design guidelines for Multiple Family Development for the zone in which such housing is located except as specified herein.

1. The allowed density shall be the number of units that can be placed on the site while meeting the dimensional standards and all other required standards of the zone in which the project is located except that in single-family zones, building height shall be determined during the review process based upon compatibility with surrounding uses.

2. Access to transit must be available within 500 feet of the development.

3. A written management plan shall be provided for the review and approval of the planning director. At a minimum, a management plan shall address the following components:

a. Specify the nature of the supportive housing project and its intended occupants;

b. Identify potential impact(s) on nearby residential uses and proposed methods to mitigate those impacts;

c. Include a neighborhood outreach plan that addresses how the applicant will communicate with and inform the neighborhood before and after project approval.

d. Identify the project management or agency to whom support staff are responsible and who will be available to resolve concerns pertaining to the facility. The plan shall specify procedures for updating any changes in contact information;

e. Identify staffing, supervision and security arrangements appropriate to the facility.

A 24-hour on-site manager is required;

f. On-site services shall be for residents of the facility only;

g. The Management Plan will contain requirements for updating all contact information to the city when changes occur;

h. If the planning director determines at any time there is evidence of fraud in obtaining the permit; concealment or misrepresentation of any material fact on the application or on any subsequent applications or reports; or that the supportive housing project is found to be in violation of the approved plans, conditions of approval, or the terms of the permit or management plan, and the owner has failed to correct the violation after proper notice thereof; then the City may initiate compliance proceedings as provided by EMC Chapter 1.20.

5 A use compliance inspection or report may be required periodically by the City as determined by the Planning Director. If a permanent supportive housing project is discontinued or abandoned, future use of the property shall be in conformance with the use and development standards of the underlying zone or overlay zone.

Section 9. Chapter 4 of Section 3(B) of Ordinance No. 2530-01, as amended (EMC 15.16.080A), is amended by the addition of the following:

Supportive housing development as provided in Section 19.39.155.

Section 10. Chapter 4 of Section 4(B) of Ordinance No. 2530-01, as amended (EMC 15.16.110A), is amended by the addition of the following:

Supportive housing development as provided in Section 19.39.155.

Section 11. Severability. Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 12. Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 13. Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 14. General Duty. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.


Ray Stephanson, Mayor

ATTEST: 
CITY CLERK

Passed: 6/08/16

Valid: 6/18/16

Published: 7/03/16

Effective Date: 7/03/16